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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,223	07/03/2003	Nobuo Kasahara	239873US2	5757
22850	7590	08/26/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary**Application No.**

10/612,223

Applicant(s)

KASAHARA, NOBUO

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 12, 19-24 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 7-10, 13-18 and 25-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/3/03; 10/3/03; 3/17/04</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The disclosure is objected to because of the following informalities.

On line 2 of page 30, "20Bk" should be changed to "20Bk".

Appropriate correction is required.

Claim Objections

3. Claim 4 is objected to because of the following informality: on line 3 of claim 4, 'acing' should be changed to "acting". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 6, 11, 12, 20, 22-24, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Mochimaru et al. (US 2002/0051646).

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6. Mochimaru et al. (...646) disclose a color image forming apparatus comprising: a toner image forming means for forming, in accordance with image data, a toner image of a particular color on each of a plurality of photoconductive elements (figure 12; and [0123]); image transferring means for sequentially transferring toner images of different colors, where there are four different colors, formed on the plurality of photoconductive elements to a first image transfer body one above the other by primary image transfer to thereby complete a primary transfer toner image (figure 12; and [0123]); a fixing device comprising: pressing/transferring/fixing means (figure 12) pressing, when a primary transfer toner image produced by transferring a toner image from a photoconductive element (1a, 1b, 1c and 1d) to a first image transfer body (60) by a first image transferring means is to be transferred to a second image transfer body (P) by secondary transfer by a second image transferring device, the second image transfer body against the first image transfer body (figure 12; [0125]; and [0128]); heat-fixing means (19) for heating the second image transfer body after the secondary image transfer to thereby fix a secondary transfer image on the second image transfer body (figure 12; and [0127]); press-fixing means for pressing second image transfer body against the heat-fixing means (figure 12); conveying means (110) for conveying the second image transfer body from a nip for secondary image transfer between the first image transfer body and the pressing/transferring means to a nip for fixation between the heat-fixing means and the press-fixing means (figure 12; and [0125]-[0127]). The conveying means comprises an endless belt (110) movable from the nip for secondary image transfer to the nip for fixation (figure 12). The transferring/fixing means comprises a plurality of rollers including a first roller facing a fixing roller (19), which fixes the secondary transfer toner image on the second image transfer body and

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a second roller facing the first image transfer body (60), and the endless belt is passed over the plurality of rollers (figure 12). The fixing roller accommodates internal heating means therein ([0047]). The first roller consists of two divided rollers (117 and 130) facing the fixing roller while the second roller consists of two divided rollers (115 and 120) facing the first transfer body (figure 12).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochimaru et al. (US 2002/0051646) in view of Kawagoe et al. (US 6,212,351).

9. Mochimaru et al. (...646) disclose the features mentioned previously, but do not disclose the claimed attracting means, attraction canceling means and the conveying means movable from a nip for secondary transfer. Kawagoe et al. (...351) disclose an image forming apparatus including a conveying means (134), in the form of an endless belt, that includes attracting means (131) for electrostatically retaining a second image transfer body on the endless belt. An attraction canceling means (136) canceling the electrostatic attraction acting on the second image transfer body (col. 10, lines 32-36). A moving means causes the endless belt (134) and a first transfer body to selectively contact each other (col. 9, lines 61-67; col. 10, lines 21-24; and figure

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3). It would have been obvious to one of ordinary skill in the art to have the claimed attracting means, as disclosed by Kawagoe et al. (...351) so as to provide an attraction force for second image transfer body, and it would have also been obvious to have an attraction canceling means, as disclosed by Kawagoe et al. (...351) so that the second image transfer body is released from the endless belt conveying means. It would have further been obvious to one of ordinary skill in the art at the time of the invention to have the claimed moving means that causes the endless belt and the first transfer body to selectively contact each other, as disclosed by Kawagoe et al. (...351), so that contact is established only during image transfer so as to reduce damage to the parts.

10. Claims 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochimaru et al. (US 2002/0051646) in view of Yamada (US 6,351,619).

11. Mochimaru et al. (...646) disclose the features mentioned previously, but do not disclose the claimed configuration of the heating device. Yamada (...619) discloses a fixing device that includes a heated belt, where one of the rollers on which the belt is disposed is heated by an internal heating means (21) and an external heating means (24) is positioned outside of the internally heated roller (figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed configuration of the heating device, as disclosed by Yamada (...619), since such a configuration is well known in the art to provide heat for fixing an image on a receiving body.

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Allowable Subject Matter

12. Claims 7-10, 13-18 and 25-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Omata et al. (US 2002/0044801) disclose a conveying means that conveys an image receiving body from a transfer nip to a fixing nip.

Soga et al. (US 5,873,017), Kayahara et al. (US 6,061,543) and Sato et al. (US 6,151,458) disclose an image forming apparatus including a primary transfer device and a secondary transfer device.

Yoneda et al. (US 5,752,148) disclose a fixing device including an external heating member.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is 571-272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

August 23, 2004